



## **MINUTES OF THE NASHUA CONSERVATION COMMISSION**

**Tuesday, October 4, 2016**

### **A. Call to order**

A regular meeting of the Nashua Conservation Commission was called to order on Tuesday, October 4, 2016 at 7:00 PM, in Room 208, City Hall, and Second Floor - 229 Main Street.

### **B. Roll call**

Chairman Michael Gallagher, presided;

Members of the Commission Present:

Sherry Dutzy  
Donald Cederquist  
Brandon Pierotti  
Richard Gillespie  
Bill Parker, alt.  
Dan Sloan, alt.

Also in Attendance:

Scott McPhie, Planning Department  
Ald. David Schoneman

### **C. Approval of Minutes**

- September 6, 2016 – meeting minutes

Commissioner Pierotti said on the first page, the change to the June 7<sup>th</sup> minutes referencing page 3 should be attributed to Commissioner Dutzy. On page 5, THE fifth paragraph from the top, last full line of paragraph, there is a typo; it should read "home construction."

Commissioner Gillespie said on page 4, the fourth paragraph from the bottom, Marc Jacobs should be listed as the project engineer, not Robert Prokop.

### **D. New Business**

- Discussion of Student representative to the Conservation Commission

Chairman Gallagher said he had an opportunity to speak with Mayor Donchess prior to the Aldermen meeting. The Mayor expressed some concerns about the process. He didn't want the student to feel as though they had to go through a rigorous process to be able to serve on the Commission. He mentioned it in his opening remarks but it was not discussed during the meeting. The bylaws have been amended; the Commission will need to vote on these changes and then forward them to the Aldermen.

### **E. Old Business**

- Schedule a Site walk to confirm trees have been marked and best management practices will be followed to prevent negative impacts to wetlands under Article XI of the City of Nashua Land Use Code. City of Nashua (Owner). Stephen Bourque, Nashua Airport Authority (Applicant). Removal of 8-12 trees to decrease obstruction to Airport approach. Property is located on the east side of Charron Avenue. Sheet E Lot 3103. Cutting will take place within the 40-foot critical wetland buffer.

Chairman Gallagher said Mr. McPhie notified him that the trees had been flagged. However, he did not send this information out in an email due concerns with Right-to-Know laws. This is why it is on the agenda tonight. He asked Mr. McPhie if the Airport had provided a possible site walk date.

Mr. McPhie said it is tentatively scheduled for this Thursday, October 6<sup>th</sup> at 5pm. The contractor will be on site.

Commissioner Gillespie said he would like to see a definitive number of trees indicated on the application, not just "8-12."

Ald. Schoneman said at the last Airport Authority meeting, he expressed his concerns with the last tree cutting project in which more trees were removed than allowed. The Airport said they are going to keep an eye on this but they also mentioned that they can't get equipment into the site without clearing other areas. They may flag a certain number of trees, but it is likely that more will be removed. The Commission may want to have this clarified at the site visit. He also mentioned that he noticed a "Variance" sign on Charron Ave.

Mr. McPhie said the project was presented to the ZBA and was approved.

Ald. Schoneman asked if there is a certain sequence for which applications are heard by the Boards.

Mr. McPhie said yes, the application would be heard by the Conservation Commission first followed by the Zoning Board.

Chairman Gallagher asked where this leaves the Commission, as a land use advisory board, where they could potentially give an unfavorable recommendation to the project even though it has already been approved by the ZBA. He said historically, the ZBA will not hear a case without having the Commission's recommendation first.

Mr. McPhie explained that this procedural error could have occurred because an exact date was not set for the site walk. He apologized for the error.

- Update on the expenditure of thirty-three thousand six hundred fourteen dollars (\$33,614) from the conservation fund for long term maintenance, repairs and adjustments to the southwest trails.

Chairman Gallagher said this expenditure is for the completion of the work at Lovewells' pond as well as an allowance for maintenance of the Southwest Trails. It has passed committee; has it gone through the full board?

Ald. Schoneman said yes, it passed at last Tuesday's meeting.

Commissioner Dutzy asked if the Commission determines how often weeds should be removed at the rain garden.

Chairman Gallagher said originally, Morin's provided the Commission with their maintenance plan but the Commission did not end up committing to any of Morin's proposals. The Commission will need to work with Roger Houston and Mr. McPhie to determine how to best utilize the funds.

Commissioner Dutzy said they will probably need to go out 2-3 times per year to weed the rain garden.

Chairman Gallagher said Morin's original proposal was to do one spring cleaning.

Mr. Parker said the rain garden plants will need to be identified so that there is no confusion for the contractors removing the weeds.

## **F. Other Business and Updates**

- Timber Warrant

Commissioner Dutzy said the Assessing Department holds meetings in which they vote on timber warrants. The Gateway Hills property was granted a timber warrant to take down trees on the property; the trees were in the wetland. She asked why the Commission was not notified of this.

Mr. McPhie said the Assessors take care of all intent-to-cut permits. He said he will do more research on this matter.

- Conservation Commission assigned project update

Mr. McPhie said he emailed the Commissioners an updated assigned project list.

The Commissioners determined that the following projects could be removed from the list: 339 Main Dunstable Rd; Tara Commons, Phase I; Tara Heights, Phase II; 300 Main St; 10 Allds St/Hunt Community; 40 Groton Rd; 13 and 15 Kathy Dr; 3A-B Spalding St; 28 Pinebrook Rd; 220 Lund Rd; 100-300 Innovative Way; Broad Street Parkway; 200 Concord St (Hayden Green); 70 Bridge St (project approved on March 20, 2013); Monis Farms; 10 Bayberry Circle; Manchester Street Bridge; 93 Perimeter Rd; 635-674 Amherst St; 270 Amherst St; Terrell Management Plan/Southwest Park; Gateway Hills trail system; Tinker Rd culvert; Allds St Bridge/Salmon Brook waterline; 341 Main Dunstable Rd; Mines Falls boardwalk; Pennichuck Rd tree mortality; Northwest Blvd railroad crossing fund; 200 Concord St (Pennichuck) dam door; 621-625 Amherst St; Farm to Table; New Outlet for Mines Falls Power Canal Flow; 1081 West Hollis St/WSMN Tower; 743 West Hollis St; 101 Shore Dr; 5 Pine St deck;

The following projects need to be inspected or are ongoing: 17 Lovell St; 20 and 22 Salmon Brook Rd (assigned to Commissioner Gillespie); 2 Hills Ferry Rd (Beazer); 29 Monica Dr.

## **G. NCC Correspondence and Communications**

- Draft Nashua Conservation Commission 2017 Meeting and Deadline Dates

**MOTION BY COMMISSIONER DUTZY, SECONDED BY COMMISSIONER GILLESPIE,  
TO ACCEPT AND PLACE ON FILE THE CONSERVATION COMMISSION 2017 MEETING  
AND DEADLINE DATES AS PRESENTED  
MOTION CARRIED**

- Emergency Authorization Verification (DES) Eversource, Northwest Blvd; temporary impact of approx. 8,000SF of wetland to remove and replace a utility pole
- Save-the-Date, Saturday, November 12, 2016 NHACC 46<sup>th</sup> Annual Meeting and Conference
- Thank-You note from Nashua River Watershed Association for \$100 contribution, dated June 30, 2016
- Notice from DES to Mr. Paul Patti at 3 Monica Dr. re: rejection of shoreland permit dated August 4, 2016
- Notice from DES re: acceptance of permit application for land resource management, Peter's Auto Sales, 7 Diesel Rd
- Notice from DES re: acceptance of permit application for land resource management, 200 Innovative Way

**MOTION BY COMMISSIONER GILLESPIE, SECONDED BY COMMISSIONER  
CEDERQUIST, TO ACCEPT AND PLACE ON FILE THE COMMUNICATIONS AS READ INTO  
THE RECORD  
MOTION CARRIED**

**H. Items**

**I. Project Updates by Commissioners**

- Joyce Wildlife Sanctuary

Commissioner Dutzy said Nick Caggiano brought her, Commissioner Parker and Commissioner Pierotti to the Joyce Wildlife Sanctuary. They looked at two areas of the park. The first area is by the sewage treatment plant. There is no signage and the path to the bridge is well-worn; they assume that people are using the area. A lot of the area is overgrown with invasive species. At the second location, there are wooden steps/old railroad ties that need to be rebuilt; it is quite a slope going down. She thinks this particular project is too involved for Eagle Scouts. However, installing a new bridge over the gulley and installing signage could be potential Eagle Scout projects. They would need to know how to coordinate this and where the Commission's responsibility is. Mr. Caggiano said that the bridge would need to be engineered. She said it would also be beneficial to find the people using this area and conduct a survey to determine the interest in having another passive recreation area for the City.

Mr. Parker said the first area they looked at is located on the south side of the new Public Works building. There is some signage there but it is all faded. The second area is located on the north side of the building, and is a lovely wooded area. Mr. Caggiano mentioned that they could potentially put parking in for 8-10 cars.

Commissioner Dutzy said back in 2013, the Waterways Committee made a recommendation regarding this property. She read into the record: "The City purchased land to create the Joyce Wildlife Sanctuary, but much of that has fallen into disrepair as has the brook." She said one of the recommendations was to "promote Joyce Park as one of the City's recreational attractions after several sites are selected as prime scenic and wildlife viewing areas."

Chairman Gallagher asked if Joyce Park is an actual park owned by the city, and therefore under the jurisdiction of the Parks and Recreation Department.

Commissioner Dutzy said she thought it was under the Commission's jurisdiction.

Chairman Gallagher said the only concern he has regarding the Eagle Scouts is that they are on a fairly strict table with the projects they take on.

Commissioner Dutzy said she knows a particular Scout that has two years to complete a project.

Ald. Schoneman said there is talk of expanding the wastewater treatment plant in the not too distance future. They will most likely be expanding northward along the river. The Commission should probably check with wastewater to see what their plans are.

- Beazer Property

Commissioner Cederquist said he visited the site to observe the slurry wall being installed. He provided pictures to the Commission. The contractors are going to extend the trench a little bit further at the south to make sure they can capture what they need to capture. They are making good progress and will probably finish this part of the slurry wall by early September, if not by the end of August. All of the proper silt fencing was installed.

Madeleine Mineau, Waterways Manager, said the contractors are monitoring air quality and there haven't been any complaints from the surrounding neighborhoods. They've finished the terraces on the Merrimack River and are going to do more solidification injections on the river side of the wall once it is complete. They will then winterize the site and next year, they will excavate contaminated sediments from the river itself.

Ald. Schoneman asked who was performing the work.

Ms. Mineau said Key Environmental planned everything, but a different company was subcontracted to do the work.

**MOTION BY COMMISSIONER DUTZY, SECONDED BY COMMISSIONER CEDERQUIST, TO ACCEPT AND PLACE ON FILE THE PHOTOS REGARDING THE BEAZER PROJECT UPDATE  
MOTION CARRIED**

#### **J. Nonpublic Session**

**MOTION BY CHAIRMAN GALLAGHER TO ENTER INTO NON-PUBLIC, PURSUANT TO RSA 91-A 3 II (D) TO CONSIDER THE ACQUISITION, SALE, OR LEASE OF REAL PERSONAL PROPERTY WHICH IF DISCUSSED IN PUBLIC WOULD LIKELY BENEFIT A**

**PARTY OR PARTIES WHOSE INTERESTS ARE ADVERSE TO THOSE OF THE GENERAL COMMUNITY SECONDED BY COMMISSIONER CEDERQUIST**

**ROLL CALL:**

**YEA:** Commissioner Gallagher, Commissioner Dutzy, Commissioner Gillespie, Commissioner Cederquist, Commissioner Pierotti, Commissioner Parker, Commissioner Sloan

**NAY:**

**MOTION CARRIED**

**MOTION BY CHAIRMAN GALLAGHER THAT THE COMMISSION, BY ROLL CALL, SEAL THE MINUTES OF THE NONPUBLIC SESSION UNTIL SUCH TIME AS A MAJORITY OF THE COMMISSION VOTES THAT THE PURPOSE OF THE CONFIDENTIALITY WOULD NO LONGER BE SERVED SECONDED BY COMMISSIONER CEDERQUIST**

**ROLL CALL:**

**YEA:** Commissioner Gallagher, Commissioner Dutzy, Commissioner Gillespie, Commissioner Cederquist, Commissioner Pierotti, Commissioner Parker, Commissioner Sloan

**NAY:**

**MOTION CARRIED**

**K. Adjournment**

**APPROVED:**

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Richard Gillespie, Clerk, Nashua Conservation Commission

DIGITAL RECORDING OF THIS MEETING IS AVAILABLE FOR LISTENING DURING REGULAR OFFICE HOURS OR CAN BE ACCESSED ON THE CITY'S WEBSITE. DIGITAL COPY OF AUDIO OF THE MEETING MAY BE MADE AVAILABLE UPON 48 HOURS ADVANCED NOTICE AND PAYMENT OF THE FEE.

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Prepared by: Mindy Lloyd

Taped Meeting